IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 312 (SS) OF 2006

Gunanand Hatwal,
S/o late Shri Shyam Lal Hatwal,
At present working as Accounts & Revenue Assistant,
(Account) in the Office of Executive Engineer,
Uttaranchal Jal Sansthan, New Tehri, District Tehri Garhwal.

.....Petitioner.

Versus

1. The Chief General Manager, Uttaranchal Jal Sansthan, Jal Bhawan, 13 Block, Nehru Colony, Dehradun.
2. Finance Director Uttaranchal Jal Sansthan, Jal Bhawan, 13 Block, Nehru Colony, Dehradun.
3. The Secretary (Administration), Uttaranchal Jal Sansthan, Jal Bhawan, 13 Block, Nehru Colony, Dehradun.
4. The Account Officer, Uttaranchal Jal Sansthan, Jal Bhawan, 13 Block, Nehru Colony, Dehradun.
5. Executive Engineer, Maintenance Division, Uttaranchal Jal Sansthan, New Tehri, Tehri Garhwal.

.....Respondents.

Sri N.S. Pundir, Advocate for the petitioner.
Sri Rakesh Thapliyal, Advocate for the respondents no. 1 to 5.

Dated: 07.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the Final Combined Seniority List dated 06.09.2004. The petitioner has further prayed for a writ of Mandamus commanding the respondents that if any

promotion is made from the Final Combined Seniority List dated 06.09.2004, such promotion shall be subject to the writ petition.

The petitioner has confined his prayer for issue a writ of mandamus directing the respondents to decide the representation of the petitioner-dated 25.07.2005 against the Final Seniority List dated 06.09.2004.

Brief facts giving rise to the present writ petition are that on 01.12.1977, the petitioner was initially appointed as Junior Account Clerk in Garhwal Jal Sansthan, Tehri Garhwal (i.e. known as Uttaranchal Jal Sansthan), Jakholi Block, District Tehril Garhwal. Thereafter on 08.06.1988, the petitioner was promoted on the post of Senior Accounts Clerk in the office of Executive Engineer, Jal Sansthan, Tehri, Tehri Garhwal.

According to the petitioner, till date he is working in the department with the utmost satisfaction of his superior officers and there is not even a singly complaint against him and the service record of the petitioner is unblemished.

The petitioner has submitted that the Clerk of the Jal Sansthan were divided into two cadre (1)-Accounts Cadres Clerk, (2) General Cadre Clerk and both types of Clerk were having separate seniority list in the department.

On 21.02.2004, the respondents issued tentative combined seniority list of Accounts Cadres Clerk and General Cadre Clerk and further asked the employees t file their obption if any.

Being aggrieved by the tentative combined seniority list dated 21.02.2004, the petitioner on 11.03.2004 made a detailed representation to the respondent no. 1 through proper channel by raising his grievances against the said tentative combined seniority list stating that there should be separate seniority list for the account cadre clear and general cadre clerk.

Petitioner has submitted that on 06.09.2004, the respondent no. 2 illegally issued a final Combined Seniority List of the Accounts Cadre Clerk and the General Cadre Clerk without giving any opportunity of hearing to the petitioner and without deciding representation dated 11.03.2004.

On 12.04.2005, the petitioner has also a legal notice through an advocate to all the respondent concerned and rested them to fix their seniority as per the date of initial appointment i.e. the seniority should be fixed is according to different cadre i.e. Accounts Cadre Clerk and General Cadre Clerk.

On 25.07.2005, a detailed representation was also made on behalf of Union i.e. Garhwal Jal Sansthan Karmchari Union Dehradun to the respondents requesting them to decide the grievances of the employees, who have raised objection against the combined seniority list.

The petitioner has submitted that since the date of appointment till 23.06.2003, his name was shown in the account Cadre Clerk seniority list as there was a separate seniority list for the Account cadre clerk and the general cadre clerk.

Therefore, in view of the above, the respondents are directed to consider the representation of the petitioner dated 25.07.2005 along with the legal notice dated 12.04.2005 and pass an appropriate order within a period of three months from the date of presentation of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

07.03.2006
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